

REMARKS

Favorable reconsideration and withdrawal of the rejections set forth in the above-mentioned final Office Action in view of the foregoing amendments and the following remarks are respectfully requested.

Status of the Claims

Claims 1-7 and 10-17 remain pending, with Claims 1 and 7 being independent. Claims 7 and 10 have been amended. Claim 17 has been added. Claims 1-6 stand withdrawn from further consideration as being directed to a restricted, non-elected invention. Support for the claim amendment can be found in the original disclosure, for example, in Fig. 6 and the accompanying disclosure, such as at page 39, lines 18-23, and support for the new claim can also be found in the original disclosure, for example, in Figs. 1-4 and 9 and Tables 2 and 3, such as at page 35, lines 10 – 19, and therefore no new matter has been added.

Claim Rejections

Claims 7 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,268,757 (Ben-David et al.) in view of U.S. Patent No. 5,796,378 (Yoshida et al.). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ben-David et al. in view of Yoshida et al., and U.S. Patent No. 4,813,770 (Clerc et al.). Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ben-David et al. in view of Yoshida et al., Clerc et al., and U.S. Patent No. 6,038,001 (Ono et al.). Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ben-David et al., Yoshida et al., and Ono et al. Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ben-David et al., Yoshida et al., and U.S. Patent No. 5,841,492 (Iwauchi et al.). Claim 15 was rejected under 35 U.S.C. § 103(a)

as being unpatentable over Ben-David et al., Yoshida et al., and U.S. Patent No. 5,841,949 (Hall). Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ben-David et al., Yoshida et al., and U.S. Patent No. 6,621,543 (Moon).

In response, while not conceding the propriety of the rejections, independent Claim 7 has been amended. Applicants submit that as amended, Claim 7 is allowable for the following reasons.

Amended Claim 7 relates to a color display apparatus of the type wherein a unit pixel is constituted by a plurality of subpixels including three first subpixels and three second subpixels, each of the first subpixels having a color filter of a color selected from three colors of yellow, magenta, and cyan, and each of the second subpixels having a color filter of a second color selected from three colors of red, green, and blue, so as to generate a display state of the pixel by an additive color mixture of the first subpixels and the second subpixels, and a medium for changing an optical property depending on a voltage applied thereto. The color display apparatus comprises means for applying a voltage to each of the three first subpixels for changing the optical property of the medium within a brightness change range in which light passing through the medium is changed in brightness and a hue change range in which the light passing through the medium assumes chromatic color and a hue of the chromatic color is changed. The apparatus also comprises means for applying a voltage, to the three second subpixels, for changing the optical property of the medium within a brightness change range in which the light passing through the medium is changed in brightness.

In addition, Claim 7 has been amended to recite that the optical property of the medium in the first subpixels is changed without using gradation colors and the optical property of the medium in the second subpixels is changed continuously.

By this arrangement, the colors at lattice points in a color coordinate space, for example, shown in Table 2 and Figure 6 can be represented.¹ To this color space, a continuous color space (a color solid with one side length of 1/3) displayed by the three second subpixels can be added, so that all the points in the entire color coordinate space (a color solid with one side length of 1) can be represented.

In contrast, the citations to Ben-David et al. and Yoshida et al. are not understood to disclose or suggest a color display apparatus in which the optical property of the medium in the first subpixels is changed without using gradation colors and the optical property of the medium in the second subpixels is changed continuously, as recited by amended Claim 7. Rather, the Ben-David et al. citation is understood to disclose a conventional liquid crystal display apparatus including subpixels in at least one embodiment with color filters of six colors, RGBCMY, in which at each of the subpixels, the liquid crystal is operated in an ordinary brightness change range, rather than in the hue-change range, so that the subpixels of CMY are understood to only display cyan, magenta and yellow, thereby failing to be able to display all the lattice points shown in Figure 6, even when the colors displayed by the subpixels of RGB are added (mixed) to CMY, while the Yoshida et al. citation is understood to disclose a conventional liquid crystal 56 whose birefringence changes in accordance with the applied voltage.

Since amended Claim 7 recites at least one feature not understood to be disclosed or suggested by the citations to Ben-David et al. and Yoshida et al., Applicants submit that the Office has not yet satisfied its burden of proof to establish a *prima facie* case of obviousness against amended Claim 7. Therefore, Applicants respectfully requests that the rejection of Claim 7 be withdrawn.

¹ It should be understood that the reference to Table 2 and Figure 6 is for illustrative purposes only and that the claims are not to be construed to be limited to these embodiments.

The dependent claims are also submitted to be patentable, due to their dependency from Claim 7, as well as due to additional features that are recited. Individual consideration of the dependent claims is respectfully solicited.

Applicants submit that this Amendment After Final Rejection clearly places the subject application in condition for allowance. This Amendment was not presented earlier, because Applicants believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment, as an earnest attempt to advance prosecution and reduce the number of issues, is requested under 37 C.F.R. § 1.116.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are allowable over the art of record, and that the application is in condition for allowance. Therefore, favorable reconsideration and early passage to issue of the application are earnestly solicited.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Gary M. Jacobs/
Gary M. Jacobs
Attorney for Applicants
Registration No. 28,861

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, NY 10104-3800
Facsimile: (212) 218-2200
GMJ/klm